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COURT FEE INDIA
CANCELLED

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Single Bench

Single Bench (Civil)

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

M.P.No. 996 of 1990

M/s. Durga Tobacco Products, a registered partnership concern through its Partner Ramesh Bhai Patel, Solhapara, Dongargarh, Distt. Rajnandgaon, M.P. ... Petitioner

versus

1. Appellate Authority (Beedi & Cigar Act, 1966) & Assistant Commissioner of Labour, Raipur Division, Raipur.

2. Permanand son of Sasonu Pulley, Danteswari Para, Indira Ward No. 1, Dongargarh, Distt. Rajnandgaon.

... Respondents

Petition under Art. 226 & 227 of the Constitution of India for a writ in the nature of mandamus, certiorari, etc. etc.

XI-HC—78

(11)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 996/90 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	21-06-2005 **Sushri Sharmila Singhai, Counsel for the petitioner.** **Shri H.B. Agrawal, Sr. Counsel with Shri Pankaj Agrawal, Adv. for the respondent No. 2.** **Heard.** **The petitioner has filed this petition on the ground that Shri M.L. Shrivastava was a part time employee of the petitioner and he had not been permitted to appear on behalf of the petitioner interpreting the provisions of Section 36 (2) of the Advocates Act.** **When the matter came up for hearing on 25-4-1990, noting the decision of a Division Bench in M.P. No. 554/1982, the Court directed that:-** **"We therefore, direct that pending disposal of this petition, in the proceedings pending before the appellate authority under the Beedi & Cigar Workers (Conditions of Employment) Act 1966, if the witnesses are required to be cross-examined, Shri M.L. Shrivastava should be permitted to appear before that authority and cross-examine the witnesses. We further direct that further proceedings before the appellate authority may go on but final decision will not be rendered until the disposal of this petition. In this petition, the only question to be examined**	

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XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 996/90 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

is the right of Shri M.L. Shrivastava to represent the petitioner.

The above order was passed in the year25-4-1990.

Counsel for the parties submit that about 15 years have passed and the matter is lying with the appellate authority. It is also submitted that Shri M.L. Shrivastava has already been permitted to cross-examine the witnesses. It is submitted that the matter is pending and only final decision is to be given.

Shri Agrawal submitted that respondent was also represented by an advocate before the Court below. He states that under the circumstances Shri M.L. Shrivastava, if so desire may be permitted in the case to represent the petitioner and hearing be expedited.

Having considered the facts and circumstances of the case and material on record, it is directed that if Shri M.L. Shrivastava is in part time employment of the petitioner and he desires he may be permitted to represent the petitioner. If he is not available the Court concerned may permit parties to represent them in accordance with law but it should be decided as early as possible preferably within three months from the date of production of copy of this order.

The petition is accordingly disposed of.

Sd/-
Fakhruddin
Judge

Pathak